

Leda Dunn Wettre, Esq.  
Michael J. Gesualdo, Esq.  
ROBINSON, WETTRE & MILLER LLC  
One Newark Center, 19<sup>th</sup> Floor  
Newark, New Jersey 07102  
Telephone: (973) 690-5400  
Facsimile: (973) 466-2760  
lwettre@rwmlegal.com

OF COUNSEL:

William G. Gaede III, Esq. (*pro hac vice*)  
David L. Larson, Esq. (*pro hac vice*)  
Bhanu K. Sadasivan, Esq. (*pro hac vice*)  
Shane G. Smith, Esq. (*pro hac vice*)  
Daniel K. Greene, Esq. (*pro hac vice*)  
McDERMOTT WILL & EMERY LLP  
275 Middlefield Road, Suite 100  
Menlo Park, CA 94025-4004  
Telephone: +1 650 815 7400  
Facsimile: +1 650 815 7401  
wgaede@mwe.com

*Attorneys for Plaintiff Depomed, Inc.*

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

DEPOMED, INC.,

Plaintiff,

v.

ACTAVIS ELIZABETH LLC et al.,

Defendants.

Civil Action No: 3:12-cv-01358-JAP-  
TJB

**DECLARATION OF DANIEL K. GREENE IN SUPPORT OF DEPOMED,  
INC.'S MOTION IN LIMINE NOS. 1-6**

I, Daniel Greene, hereby declare as follows:

1. I am an associate at McDermott Will & Emery, LLP (“McDermott”), counsel for Depomed, Inc. (“Depomed”) in the above-captioned case. I have personal knowledge of the facts set forth below and could testify competently thereto if called upon to do so.

2. Attached hereto as Exhibit 1 is a true and correct copy of Actavis Elizabeth LLC and Actavis Inc.’s Non-Infringement Contentions, dated August 24, 2012. [FILED UNDER SEAL]

3. Attached hereto as Exhibit 2 is a true and correct copy of excerpts from Plaintiff Depomed, Inc.’s First Set of Requests for Admission to Defendants Actavis Elizabeth LLC and Actavis LLC (Nos. 1-257) dated June 6, 2006.

4. Attached hereto as Exhibit 3 is a true and correct copy of an email chain containing an email dated July 1, 2013 from Bhanu Sadasivan, counsel for Depomed, and Jason T. Murata, counsel for Defendants Actavis Elizabeth LLC and Actavis LLC regarding an extension for service of responses to Depomed’s First Set of Requests for Admission. To my knowledge, there are no other written communications between the parties’ counsel regarding such an extension.

5. Attached hereto as Exhibit 4 is a true and correct copy of excerpts from Actavis Elizabeth LLC and Actavis, Inc.’s Responses to Depomed, Inc.’s Request for Admissions [FILED UNDER SEAL].

6. Attached hereto as Exhibit 5 is a true and correct copy of the Expert Report of David R. Friend, Ph.D. (excluding exhibits) dated March 19, 2014. [FILED UNDER SEAL]

7. Attached hereto as Exhibit 6 is a true and correct copy of excerpts from the Deposition Transcript of David R. Friend, Ph.D. taken March 28, 2014.

8. Attached hereto as Exhibit 7 is a true and correct copy of excerpts from the Deposition Transcript of Douglas Flanagan taken April 2, 2014.

9. Attached hereto as Exhibit 8 is a true and correct copy of an email from Jason Murata to William Gaede dated March 7, 2014 regarding scheduling of Douglas Flanagan's and Michael Mayersohn's depositions. To my knowledge, there are no other written communications between the parties' counsel proposing additional potential dates for the depositions of Drs. Flanagan and Mayersohn.

10. Attached hereto as Exhibit 9 is a true and correct copy of excerpts from the Deposition Transcript of Michael Mayersohn taken March 24, 2014.

11. Attached hereto as Exhibit 10 is a true and correct copy of excerpts from the Deposition Transcript of Raymond Sinatra taken April 8, 2014.

12. Attached hereto as Exhibit 11 is a true and correct copy of excerpts from Actavis Elizabeth LLC and Actavis, Inc.'s Noninfringement Contentions with Respect to U.S. Patent No. 8,252,332, dated December 3, 2012. [FILED UNDER SEAL]

13. Attached hereto as Exhibit 12 is a true and correct copy of excerpts from Defendants' Joint Invalidity Contentions, dated August 24, 2012. [FILED UNDER SEAL]

14. Attached hereto as Exhibit 13 is a true and correct copy of the Expert Report of Aeri Park, Ph.D (excluding exhibits), dated March 19, 2014. [FILED UNDER SEAL]

15. Attached hereto as Exhibit 14 is a true and correct copy of the Rebuttal Expert Report of Raymond Sinatra, M.D., Ph.D. (excluding exhibits).

16. Attached hereto as Exhibit 15 is a true and correct copy of the First Expert Report of Michelle Brown, M.D. on Long-Felt but Unmet Need for Effective Controlled Release Gabapentin Formulation and Prescribing the Medications (excluding exhibits), dated February 24, 2014.

17. Attached hereto as Exhibit 16 is a true and correct copy of Exhibit 9 to the Rebuttal Expert Report of Raymond Sinatra, M.D., Ph.D., entitled "The Effect of Gabapentin on Neuropathic Pain" by Jack M. Rosenberg, M.D., et al, The Clinical Journal of Pain, 13(3) 251-255 (September 1997).

18. Attached hereto as Exhibit 17 is a true and correct copy of Actavis Elizabeth LLC's and Actavis LLC's Statement of Legal Issues, served on April 14, 2014.

19. Attached hereto as Exhibit 18 is a true and correct copy of the Expert Report of Douglas Flanagan, Ph.D. with Respect to U.S. Patent Nos. 7,438,927, 7,731,989, 8,192,756, 8,242,332, and 8,333,992 (excluding exhibits), dated February 26, 2014. [FILED UNDER SEAL]

20. Attached hereto as Exhibit 19 is a true and correct copy of the Expert Report of Douglas Flanagan, Ph.D. with Respect to U.S. Patent Nos. 6,635,280, and 6,488,962 (excluding exhibits), dated February 26, 2014. [FILED UNDER SEAL]

21. Attached hereto as Exhibit 20 is a true and correct copy of the Expert Report of Michael Mayersohn, Ph.D. with Respect to U.S. Patent Nos. 8,192,756, 8,252,332 and 8,333,992 (excluding exhibits), dated February 26, 2014. [FILED UNDER SEAL]

22. Attached hereto as Exhibit 21 is a true and correct copy of Defendants Disclosure of Reduced Prior Art, dated February 11, 2014.

23. Attached hereto as Exhibit 22 is a true and correct copy of a letter from Bhanu K. Sadasivan to All Counsel dated February 12, 2014, regarding Defendants' Disclosure of Reduced Prior Art Date dated February 11, 2014.

24. Attached hereto as Exhibit 23 is a true and correct copy of Actavis Elizabeth LLC's and Actavis LLC's Redlined Edits to Depomed's Proposed Stipulated Fact and Legal Issues. [FILED UNDER SEAL]

I declare, pursuant to 28 U.S.C. § 1746, under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this declaration was executed at Washington, D.C. this 22d day of April, 2014.

A handwritten signature in blue ink that reads "Daniel Greene". The signature is written in a cursive style with a large initial "D" and a long horizontal stroke at the end.

---

Daniel Greene